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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 8 (d)

QUESTION OF HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Argentina, Australia*, Austria, Brazil, Bulgaria*, Cameroon*, Cape Verde, Chile, Colombia*, Costa Rica*, Croatia*, Cyprus*, Czech Republic, Denmark, Dominican Republic*, Ecuador, El Salvador, Finland*, France, Germany, Greece*, Guatemala, Haiti*, Honduras*, Hungary*, Ireland, Italy, Liechtenstein*, Luxembourg, Mali, Mexico, Nicaragua*, Norway*, Peru, Poland, Portugal*, Romania*, Russian Federation, Senegal, Slovakia*, Slovenia*, South Africa, Spain*, Sweden*, Switzerland*, the former Yugoslav Republic of Macedonia*, Uruguay and Venezuela: draft resolution

1998/... Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling its resolution 1992/43 of 3 March 1992, by which it established an open-ended working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for its discussions the draft text proposed by the Government of Costa Rica (E/CN.4/1991/66), and decided to consider the question at its forty-ninth session,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling also the subsequent resolutions on the subject, in particular resolution 1997/49 of 22 July 1997 of the Economic and Social Council, by which it authorized the working group to hold a new meeting in order to continue its work,

Recalling further that the World Conference on Human Rights firmly declared that efforts to eradicate torture should, first and foremost, be concentrated on prevention and called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention,

Considering that a final text of a draft optional protocol could be completed in one more session of the open-ended working group, given the substantial progress made during the last meeting,

1. Takes notes with appreciation of the report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1998/42 and Corr.1), and warmly welcomes the progress made during the working group's sixth session;

2. Requests the open-ended working group, in order to continue its work, to meet prior to the fifty-fifth session of the Commission for a period of two weeks, in the course of which the Chairman, in consultation with the working group, may request one additional week with a view to completing expeditiously a final and substantive text, and to report to the Commission at its fifty-fifth session;

3. Requests the Secretary-General to transmit the report of the working group to all Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and intergovernmental and non-governmental organizations, and to invite them to submit their comments to the working group;

4. Also requests the Secretary-General to invite Governments, the specialized agencies and relevant intergovernmental and non-governmental organizations, as well as the Chairperson of the Committee against Torture and the Special Rapporteur on the question of torture, to participate in the activities of the working group;

5. Further requests the Secretary-General to extend all the necessary facilities to the working group for its meeting prior to the fifty-fifth session of the Commission;

6. Encourages the Chairman to conduct informal consultations with all interested parties, prior to the next session of the working group, in order to present a consolidated text for its consideration;

7. Decides to examine the report of the working group at its fifty-fifth session under the sub-item "Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" of the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment";

8. Recommends the following draft resolution to the Economic and Social Council for adoption:

"The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1998/... of .. April 1998,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks, with a possibility of extending it to three, prior to the fifty-fifth session of the Commission in order to continue or conclude the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. Requests the Secretary-General to extend to the working group all necessary facilities for its meetings, and to transmit the report of the working group (E/CN.4/1998/42) to Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned."

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